

MANDATE

E.D.N.Y. – Bklyn
19-cv-6873
10-cr-433
Matsumoto, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21st day of July, two thousand twenty.

Present:

Robert A. Katzmann,
Chief Judge,
José A. Cabranes,
Rosemary S. Pooler,
Circuit Judges.

United States of America,

Appellee,

v.

19-1684

Elbi Cespedes, Jeremy Fistel, Akiva Saltzman, AKA David,

Defendants,

Jonathan Braun,

Defendant-Appellant.

Jonathan Braun,

Petitioner-Appellant,

v.

20-56

United States of America,

Respondent-Appellee.



MANDATE ISSUED ON 09/11/2020

Appellant moves to consolidate these appeals and, in 2d Cir. 20-56, for a certificate of appealability (“COA”). Upon due consideration, it is hereby ORDERED that the COA motions are DENIED and the appeal docketed under 2d Cir. 20-56 is DISMISSED because Appellant has not “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). It is further ORDERED that the motion to consolidate is DENIED as moot.

The stay entered in 2d Cir. 19-1684 is LIFTED and an order setting forth a briefing schedule will issue in due course.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit